

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

RYDEX, LTD.,

Plaintiff,

v.

FORD MOTOR COMPANY;
CHRYSLER GROUP LLC; TOYOTA
MOTOR SALES, USA, INC.;
AMERICAN HONDA MOTOR CO.,
INC.; NISSAN NORTH AMERICA,
INC.; MERCEDES-BENZ USA, LLC;
BMW OF NORTH AMERICA, LLC;
KIA MOTORS AMERICA, INC.;
HYUNDAI MOTOR AMERICA;
MAZDA MOTOR OF AMERICA, INC.;
MITSUBISHI MOTORS NORTH
AMERICA, INC.; SAAB CARS
NORTH AMERICA, INC.;
SUBARU OF AMERICA, INC.;
and AMERICAN SUZUKI MOTOR
CORP.

Defendants,

TOYOTA MOTOR SALES, U.S.A.,
INC. and SUBARU OF AMERICA, INC.,

Counterclaim Plaintiffs,

v.

RYDEX, LTD. and MICHAEL C. RYAN

Counterclaim Defendants.

Civil Action No. 4:11-cv-00122

JURY TRIAL DEMANDED

TOYOTA MOTOR SALES, USA, INC., SUBARU OF AMERICA, INC. AND
MITSUBISHI MOTORS NORTH AMERICA, INC.'S MOTION FOR SUMMARY
JUDGMENT OF CLAIM CONSTRUCTION AND NON-INFRINGEMENT

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Defendants Toyota Motor Sales, USA, Inc., Subaru of America, Inc. and Mitsubishi Motors North America, Inc. hereby move for summary judgment for interpretation of certain terms of claims 21-22 and 35-40 of U.S. Pat. No. 5,204,819 and for a finding of non-infringement as a result of the proper interpretation of those terms.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was filed electronically in compliance with Local Rule LR5.1. As such, this motion was served on all counsel who are deemed to have consented to electronic service. Local Rule LR5.1. Pursuant to Fed.R.Civ.P.5(d) and Local Rule LR5.1, all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy via facsimile and/or U.S. First Class Mail this 23rd day of June 2011.

/s/ Michael E. Richardson

Michael E. Richardson